

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MAIN STREET MERCHANT SERVICES INC.,

Plaintiff,

—against—

HEYBURN, LLC, FRANCIS STREET INVESTORS,
LLC, LITTLE TACOMA CONSTRUCTION, LLC and
PETER M. PERRIN,

Defendants.

25 Civ. 02904 (KAM) (SLT)

**AMENDED
NOTICE OF REMOVAL**

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants HEYBURN, LLC, FRANCIS STREET INVESTORS, LLC, LITTLE TACOMA CONSTRUCTION, LLC and PETER M. PERRIN, (collectively, “Defendants”), by and through their attorneys, Kasell Law Firm, hereby file this amended Notice of Removal to the United States District Court for the Eastern District of New York.

Defendants respectfully state the following grounds for removing this action:

1. Heyburn, LLC, Francis Street Investors, LLC, Little Tacoma Construction, LLC, and Peter M. Perrin are defendants in a civil action entitled *Main Street Merchant Services Inc. v. Heyburn, LLC et al.*, (“State Court Action”) filed by MAIN STREET MERCHANT SERVICES INC. (“Plaintiff”) under Index Number No. 514081/2025 in Kings County Supreme Court.

2. While Plaintiff has stated that it is a “is a Limited Liability Company organized and existing under the laws of the State of New York” in paragraph 1 of its Complaint filed in the State Court Action, Main Street Merchant Services Inc. is in fact a corporation formed under the laws of New York under Department of State ID 4768612 and it has stated that its principal place of

businesss is 360 Motor Parkway, Suite 200B. Hauppauge, New York 11788. Thus, Plaintiff is a citizen of the state of New York.

3. Defendants are citizens of the state of Oregon and the state of California.

4. In particular, Peter M. Perrin is a citizen of the state of Oregon, residing in Portland, Oregon.

5. Heyburn, LLC and Little Tacoma Construction, LLC are limited liability companies formed under the laws of the state of Oregon. Peter M. Perrin is the only member of Heyburn, LLC and Little Tacoma Construction, LLC. Thus, Heyburn, LLC and Little Tacoma Construction, LLC are citizens of the state of Oregon.

6. Francis Street Investors, LLC is a limited liability company formed under the laws of the state of Oregon. Richard Thornoton is the the only member of citizens of Francis Street Investors, LLC, and he is a citizen of the state of California as that is were he is domiciled. Thus, Francis Street Investors, LLC is a citizen of the state of California.

7. Plaintiff initiated the action in the State Court on April 28, 2025.

8. Plaintiff seeks damages on a breach of contract and breach of personal guaranty for a Merchant Cash Advance (“MCA”) Agreement (the “Agreement”) in the amount of \$69,266.59 plus interest, costs, disbursements, and attorney’s fees.

9. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1332 because the amount in controversy exceeds \$75,000.00 when accounting for the interest, costs, disbursements and attorney’s fees that Plaintiff is seeking alongside its damages.

10. Pursuant to 28 U.S.C. § 1446(b)(1), this removal of the action was within 30 days after the receipt of the summons and complaint by the Defendants and therefore timely.

11. Pursuant to 28 U.S.C. § 1446(d), Defendants have and will promptly file the amended notice of removal in the State Court Action to Plaintiff thereby providing notice to the state court and Plaintiff.

12. Defendants will send this Amended Notice of Removal to Plaintiff's counsel of record and will file a copy of this Notice of Removal with the clerk of the state court in which the State Court Action is pending.

13. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, a jury trial is demanded on all issues so triable.

WHEREFORE, Defendants request that this civil action be removed from Kings County Supreme Court to the United States District Court for the Eastern District of New York.

Dated: June 12, 2025
Long Island City, NY

/s/ David Kasell
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